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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,) No. CR 08-0131 PJH
18 Plaintiff,) STIPULATION AND [PROPOSED]
19 v.) ORDER EXCLUDING TIME FROM
20 DEMETRIUS SMITH,) SPEEDY TRIAL ACT CALCULATION
21 Defendant.) (18 U.S.C. § 3161(h)(8)(A))
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24 With the agreement of the parties, and with the consent of defendant Demetrius Smith,
25 the Court enters this order documenting defendant's exclusion of time under the Speedy Trial
26 Act, 18 U.S.C. § 3161(c)(1), from May 14, 2008, to May 21, 2008. The parties agree, and the
27 Court finds and holds, as follows:

28 1. Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to
grant the requested continuance would unreasonably deny defense counsel reasonable time
necessary for effective preparation, taking into account the exercise of due diligence, in this case.
Defendant requested this time exclusion in order to allow time to consult with his attorney in the
wake of the Court's denial of his motion to disclose informant.

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2. Given these circumstances, the Court found that the ends of justice served by excluding the period from May 14, 2008, to May 21, 2008, outweigh the best interest of the public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, at the hearing on May 14, 2008, the Court ordered that the period from May 14, 2008, to May 21, 2008, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: May 19, 2008

/s/
MICHAEL THORMAN
Attorney for Defendant

DATED: May 16, 2008

/s/
ANDREW P. CAPUTO
Assistant United States Attorney

IT IS SO ORDERED.

DATED:

PHYLLIS J. HAMILTON
United States District Judge